

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Dakota Access, LLC**  
**Dakota Access Pipeline Pump Station – Emmons County**  
**Siting Application**

**Case No. PU-19-204**  
**OAH File No. 2019-0280**

**ORDER ON PETITION TO INTERVENE**

On August 28, 2019, Timothy Q. Purdon, Robins Kaplan, LLP, submitted a Petition for Intervention on behalf of the Standing Rock Sioux Tribe.

North Dakota Century Code § 28-32-28 addresses intervention in adjudicative proceedings and provides as follows:

An administrative agency may grant intervention in an adjudicative proceeding to promote the interests of justice if intervention will not impair the orderly and prompt conduct of the proceeding and if the petitioning intervenor demonstrates that the petitioner’s legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of statute or rule. The agency may impose conditions and limitations upon intervention. The agency shall give reasonable notice of the intervention to all parties. An administrative agency may adopt rules relating to intervention in an adjudicative proceeding.

The North Dakota Public Service Commission (“Commission”) has adopted its own rules relating to intervention. The Commission’s rule on intervention provides in part as follows:

Any person with a substantial interest in a proceeding may petition to intervene in that proceeding by complying with this section. An intervention may be granted if the petitioner has a statutory right to be a party to the proceeding; or the petitioner has a legal interest which may be substantially affected by the proceeding, and the intervention would not unduly broaden the issues or delay the proceeding. The commission may impose conditions and limitations on an intervention to promote the interests of justice.

...

Contents of petition to intervene. A petition to intervene must be in writing and must set forth the grounds for intervention, the position and interest of the petitioner in the proceeding, what the petitioner would contribute to the hearing,

and whether the petitioner's position is in support of or in opposition to the relief sought.

N.D. Admin. Code § 69-02-02-05.

The Petition set forth the grounds for intervention, the position and interest of the petitioner, what the petitioner can contribute to the hearing, and their positions with respect to the relief sought by the applicant. The petitioner has each presented sufficient information to satisfy the statutory intervention requirements set forth in N.D.C.C. § 28-32-28 and the Commission's rules on intervention.

Since there is no opposition to the petition and having considered the written submission of the Petitioner, it is hereby ORDERED that the Petitioner is permitted to appear as an intervenor in PSC Case No. PU-19-204.

Dated at Bismarck, North Dakota, this 12<sup>th</sup> day of September, 2019.

State of North Dakota  
Public Service Commission

By: 

\_\_\_\_\_  
Timothy J. Dawson  
Administrative Law Judge  
Office of Administrative Hearings  
2911 North 14<sup>th</sup> Street – Suite 303  
Bismarck, North Dakota 58503  
Telephone: (701) 328-3200

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the **ORDER ON PETITION TO INTERVENE** was mailed by electronic mail on the 12 day of September 2019, to:

Timothy Purdon  
Robins Kaplan LLP  
[tpurdon@robinskaplan.com](mailto:tpurdon@robinskaplan.com)

John Schuh  
General Counsel  
Public Service Commission  
[jschuh@nd.gov](mailto:jschuh@nd.gov)

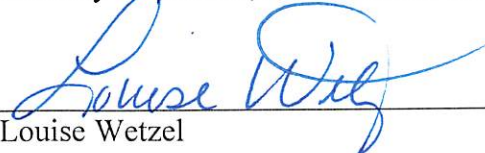
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Special Assistant Attorney General  
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and that the original **ORDER ON PETITION TO INTERVENE** was mailed, inside mail, at the State Capitol on the 12 day of September 2019, to:

John Hamre  
Public Service Commission  
600 East Boulevard Avenue  
Bismarck, ND 58505  
[jghamre@nd.gov](mailto:jghamre@nd.gov)

OFFICE OF ADMINISTRATIVE HEARINGS  
Timothy J. Dawson, Administrative Law Judge

  
\_\_\_\_\_  
Louise Wetzel